

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM WALTER BURNS,

Plaintiff,

v.

ARLENE C. BURNS RHINE, et al.,

Defendants.

Case No. [15-cv-02329-PSG](#)

ORDER RE: DISCOVERY PLAN

(Re: Docket No. 46)

Before the court is a motion by Plaintiff William Burns requesting the court to order Defendants Arlene Burns Rhine and Tony Rhine to submit a discovery plan pursuant to Fed. R. Civ. P. 26(f)(3) so that discovery in this action may begin.¹ On August 25 of this year, Defendants filed a case management statement that included a brief discussion of the discovery to be taken.² The court held case management conferences on September 1 and October 13.³ Finally, on October 27, the parties held their Rule 26(f) conference.⁴ Nevertheless, the parties still have not filed a discovery plan.

¹ See Docket No. 46.

² See Docket No. 24 at 3 (“No discovery has taken place to date. Anticipated discovery is depositions of the parties, requests for admissions, interrogatories, and requests for production.”). The parties in this case filed separate case management statements, which Civ. L.R. 16-9(a) permitted because Burns is not represented by counsel. See Docket Nos. 24, 27. If the parties had been able to agree to a joint case management statement, it should have included a discovery plan. See Standing Order for All Judges of the N. Dist. of Cal. – Contents of Joint Case Management Statement.

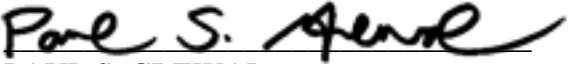
³ See Docket Nos. 28, 42.

⁴ See Docket No. 45 at 1. The court had ordered the parties to hold the conference no later than November 3. See Docket No. 42.

Six months after it was filed, the case remains effectively stalled. A jump start from the court appears necessary. Accordingly, the court GRANTS the motion IN-PART. The parties shall file a joint discovery plan that complies with the requirements of Fed. R. Civ. P. 26(f)(3) within 14 days. As Rule 26(f)(3) dictates, the plan should include at least “the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.”⁵

SO ORDERED.

Dated: December 8, 2015


PAUL S. GREWAL
United States Magistrate Judge

⁵ Fed. R. Civ. P. 26(f)(3)(B).